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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

**MARILYN HUERTERO**, Individually  
and **MARILYN HUERTERO** as G/A/L  
for **JONATHAN ARRIAGA** (infant),

Plaintiffs,

vs.

**UNITED STATES OF AMERICA**

Defendants.

Civil Action No. 3:13-cv-03739

**ORDER APPROVING MINOR'S  
SETTLEMENT AND DIRECTING THE  
DEPOSIT OF FUNDS**

**THIS MATTER** having come before the Court in accordance with Local Civil Rule 83.3 and referencing New Jersey Court Rule 4:44-3 on this 27<sup>th</sup> day of APRIL, 2017; and following the attorneys for the parties having reported to the Court that they have arrived at a settlement of the minor plaintiff's claim between the plaintiffs and the defendant which resolves any and all claims against all defendants including any derivative claims on behalf of the natural parent and sole general guardian of minor plaintiff J.A., namely Marilyn Huertero, and including any and all individual claims which may be asserted by the minor plaintiff J.A. now or in the future; and the Court further finding that J.A.'s natural parent and sole general guardian Marilyn Huertero

sufficiently understands the terms of the settlement and consents to entry of this Order; and the Court having reviewed the claims asserted in the Complaint alleging physical injury occurring at the time of the minor plaintiff's birth; and the Court having reviewed the physician reports and taken proofs on the record concerning the minor's injuries, disabilities and medical expenses and being satisfied that the settlement amount is fair and reasonable and in the minor's best interest, and the Court further finding that the terms of the settlement constitute a full and final release of all future obligations on behalf of the Defendant that may arise from allegations contained in plaintiff's Complaint; and the Court further finding in light of the many risks posed in litigation and the possibility that no monetary award would be granted even if there were a trial, that the settlement is fair and in the best interest of J.A., the minor child; and the Court having approved said settlement;

It is on the 19<sup>th</sup> day of July, 2017

**ORDERED** that the Court approves the settlement entered into by the parties and on behalf of J.A., a minor, by his natural parent and sole general guardian MARILYN HUERTERO, and MARILYN HUERTERO, individually, in the gross amount of \$225,000.00 against defendant without costs and/or interest; a copy of the executed release between Plaintiffs and Defendant United States of America is hereby attached and incorporated as Exhibit "A"; and

**IT IS FURTHER ORDERED** that the following deductions shall be made from the gross settlement and paid by the defendant as follows:

The total amount of \$110,000.00 shall be paid to the attorney for the minor plaintiff, Martin Kane & Kuper, LLC, 180 Tices Lane, Bldg B, Ste 200, East Brunswick, New Jersey,

08816, which amount represents partial reimbursement of actual case disbursements, costs, and expenses, plaintiff's counsel having waived the remaining balance, and the sum of \$0.00 in payment of the attorney fee; and

**IT IS FURTHER ORDERED** that the net recovery of \$115,000.00 shall be paid by or on behalf of defendant by check sent to plaintiff's counsel, payable to MARILYN HUERTERO, Guardian for J.A., an minor, and to the Surrogate of Ocean County for the benefit of J.A., an minor. The Guardian shall endorse the check and deliver it to the Surrogate, who shall deposit it in the Surrogate of Ocean County's Intermingled Account in the name of J.A., a minor.

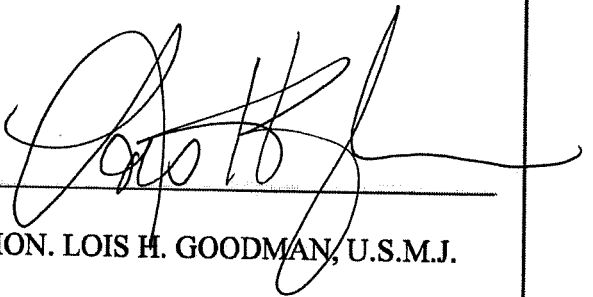
Thereafter, monies are to be paid from said account only upon further Order of the Superior Court of New Jersey, Chancery Division; Probate Part, pursuant to N.J.S.A. 3B:15-17, or upon the minor attaining majority, under N.J.S.A. 3B-17; and

**IT IS FURTHER ORDERED** that the attorney for the plaintiff shall be responsible for furnishing to the Ocean County Surrogate a check or draft for said net settlement funds, capable of immediate deposit in the Surrogate's Intermingled Account, and shall immediately furnish the Surrogate with a Social Security number for the infant plaintiff; and

**IT IS FURTHER ORDERED** that a warrant to satisfy the judgment shall be signed and issued by counsel for the plaintiff, then sent to and filed by the defendant upon the plaintiff's receipt of funds paid by defendant; and

**IT IS FURTHER ORDERED** that the attorney for the plaintiff deliver a copy of this Order to the Surrogate of Ocean County and serve a copy upon all attorneys within seven (7) days of the date hereof,

IT IS FURTHER ORDERED THAT  
CLERK'S OFFICE SHALL CLOSE  
THIS MATTER.



HON. LOIS H. GOODMAN, U.S.M.J.